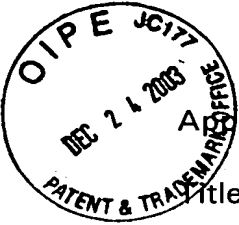


#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 088941/0189



Applicant: Yutaka KOBAYASHI

Title: IMAGE PROCESSING APPARATUS AND METHOD, AND  
COMPUTER READABLE STORAGE MEDIUM

Serial No.: 09/814,691

Filed: March 15, 2001

Examiner: Unknown

Art Unit: 2614

RECEIVED

DEC 29 2003

Technology Center 2600

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO-SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

**CERTIFICATION**

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

**RELEVANCE OF EACH DOCUMENT**

A translation of a portion of a Japanese Office Action that issued November 11, 2003 with respect to a counterpart Japanese patent application is provided below.

**"REASON**

1. The invention(s) according to the below-listed claim(s) of the present application could have been easily made prior to filing date by a person with average knowledge in the field to which the invention(s) belongs based on the invention(s) disclosed in the below-listed publication(s), distributed in Japan or abroad prior to the filing date of this application, and it is therefore deemed to be unpatentable in compliance with the provisions of Japanese Patent Law, Article 29, Paragraph 2.

**NOTE (See List of Citations for Detail of the Citations)**

Claims: 1 to 9  
Citations: 1 and 2

**Remarks**

In the Citation 1, it is disclosed that an inputted image data is written in an image memory, and it is controlled such that a reading-out operation should not exceed a writing-in operation during controlling for a reading-out operation per a code. Also, it is disclosed that different clocks are used between the writing-in operation and the reading-out operation (see line 10 in a right-top section in page 5 to line 15 in left-bottom section in page 6, and FIG. 2). In addition, in an invention disclosed in the Citation 1, an ordinary skilled person in the art can write the image data per each line preferably.

Also, in the Citation 2, it is disclosed that one step of display is skipped like the writing operation seems exceeding the reading-out operation when a writing operation for a step of display is completed. In the Citation 2, it is also disclosed that an image data for the same step of display is read out if the reading-out operation seems exceeding the writing operation when a reading-out operation for a step of display is completed (see paragraphs [0015] to [0018]). In an invention disclosed in the Citation 1, an ordinary skilled person in the art can have an idea for performing processes disclosed in the Citation 2 for writing the data in the image memory and reading out the data from the image memory. In addition, an ordinary skilled person in the art also can compare a threshold to a coded unit which is read-out and a number of lines which are written in for determining whether or not the writing operation and the reading operation seem exceed the reading operation and the writing operation.

**LIST OF CITATIONS**

**(See List of Citations for Detail of the Citations)**

1. Japanese Unexamined Patent Application, First Publication No. Hei 2-103689
2. Japanese Unexamined Patent Application, First Publication No. 2000-13639

2. The recitation of the claims of the present application fails to satisfy the requirements of Japanese Patent Law, Article 36, Paragraph 6, Number 2 with regard to the points listed below.

Remark

An "image processing method" in a Claim 5 has a typographical error in a Japanese language. Therefore, an invention according to the Claim 5 is indefinite.

-----

**RECORD OF PRIOR ART SEARCH**

Searched Technical Fields: - PC 7th Version - HO4N 7/24-7/68  
HO4N 5/04-5/12

Prior Art Documents

Japanese Unexamined Patent Application, First Publication No. Hei 11-98498

The search records for these prior art documents do not constitute reasons for rejection."

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicant respectfully request that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

December 24, 2003  
Date

Phillip J. Articola  
Phillip J. Articola  
Registration No. 38,819

FOLEY & LARDNER  
Washington Harbour  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5143  
Telephone: (202) 672-5300  
Facsimile: (202) 672-5399

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

Complete if Known

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Date Submitted: December 24, 2003

(use as many sheets as necessary)

Sheet 1 of 1

Application Number	09/814,691
Filing Date	03/15/2001
First Named Inventor	Yutaka KOBAYASHI
Group Art Unit	2614
Examiner Name	Thai Q. Tran
Attorney Docket Number	088941-0189

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A1	JP	2-103689			04/16/1990		X
	A2	JP	11-98498			04/09/1999		X
	A3	JP	2000-13639			01/14/2000		X

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>

**RECEIVED**

DEC 29 2003

Technology Center 2600

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.